

AMENDED IN SENATE MARCH 8, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 828

Introduced by Assembly Member Swanson

February 17, 2011

An act to ~~amend~~ *repeal and add* Section 18901.3 of the Welfare and Institutions Code, relating to ~~food stamps~~ *CalFresh*.

LEGISLATIVE COUNSEL'S DIGEST

AB 828, as amended, Swanson. ~~Food stamps~~: *CalFresh*: eligibility: drug felonies.

Existing law provides for the ~~Food Stamp Program~~, *CalFresh* program, under which ~~food stamps~~ *supplemental nutrition assistance benefits* allocated to the state by the federal government are distributed to eligible individuals by each county. Existing law provides that a person convicted of a drug-related felony, with certain exemptions, is eligible for aid under the ~~Food Stamp Program~~ *CalFresh*, if specified requirements are met.

This bill would, instead, provide that a person convicted of a drug felony shall be eligible for aid under the ~~Food Stamp Program~~, *CalFresh*, *provided that 6 months have passed since the person has been convicted of any crime*, and would eliminate the above-referenced eligibility requirements.

By changing the eligibility standards under the ~~Food Stamp Program~~, *CalFresh*, this bill would increase the responsibilities of counties in the administration of the program, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18901.3 of the Welfare and Institutions
2 Code is repealed.
3 ~~18901.3. (a) Subject to the limitations of subdivision (b),~~
4 ~~pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C.~~
5 ~~Sec. 862a(d)(1)(A)), California opts out of the provisions of Section~~
6 ~~115(a)(2) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(2)). A~~
7 ~~convicted drug felon shall be eligible to receive CalFresh benefits~~
8 ~~under this section.~~
9 ~~(b) Subdivision (a) does not apply to a person who has been~~
10 ~~convicted of unlawfully transporting, importing into this state,~~
11 ~~selling, furnishing, administering, giving away, possessing for~~
12 ~~sale, purchasing for purposes of sale, manufacturing a controlled~~
13 ~~substance, possessing precursors with the intent to manufacture a~~
14 ~~controlled substance, or cultivating, harvesting, or processing~~
15 ~~marijuana or any part thereof pursuant to Section 11358 of the~~
16 ~~Health and Safety Code.~~
17 ~~(c) Subdivision (a) does not apply to a person who has been~~
18 ~~convicted of unlawfully soliciting, inducing, encouraging, or~~
19 ~~intimidating a minor to participate in any activity listed in~~
20 ~~subdivision (b).~~
21 ~~(d) As a condition of eligibility to receive CalFresh benefits~~
22 ~~pursuant to subdivision (a), an applicant convicted of a felony drug~~
23 ~~offense that is not excluded under subdivision (b) or (c) shall be~~
24 ~~required to provide proof of one of the following subsequent to~~
25 ~~the most recent drug-related conviction:~~
26 ~~(1) Completion of a government-recognized drug treatment~~
27 ~~program.~~

1 ~~(2) Participation in a government-recognized drug treatment~~
2 ~~program.~~

3 ~~(3) Enrollment in a government-recognized drug treatment~~
4 ~~program.~~

5 ~~(4) Placement on a waiting list for a government-recognized~~
6 ~~drug treatment program.~~

7 ~~(5) Other evidence that the illegal use of controlled substances~~
8 ~~has ceased, as established by State Department of Social Services~~
9 ~~regulations.~~

10 ~~(e) Notwithstanding the Administrative Procedure Act (Chapter~~
11 ~~3.5 (commencing with Section 11340) of Part 1 of Division 3 of~~
12 ~~Title 2 of the Government Code), the department may implement~~
13 ~~this section through an all-county letter or similar instructions from~~
14 ~~the director no later than January 1, 2005.~~

15 ~~(f) The department shall adopt regulations as otherwise~~
16 ~~necessary to implement this section no later than July 1, 2005.~~
17 ~~Emergency regulations adopted for implementation of this section~~
18 ~~may be adopted by the director in accordance with the~~
19 ~~Administrative Procedure Act. The adoption of emergency~~
20 ~~regulations shall be deemed to be an emergency and necessary for~~
21 ~~immediate preservation of the public peace, health and safety, or~~
22 ~~general welfare. The emergency regulations shall be exempt from~~
23 ~~review by the Office of Administrative Law. The emergency~~
24 ~~regulations authorized by this section shall be submitted to the~~
25 ~~Office of Administrative Law for filing with the Secretary of State~~
26 ~~and shall remain in effect for no more than 180 days.~~

27 ~~SEC. 2. Section 18901.3 is added to the Welfare and Institutions~~
28 ~~Code, to read:~~

29 ~~18901.3. Pursuant to Section 115(d)(1)(A) of Public Law~~
30 ~~104-193 (21 U.S.C. Sec. 862a(d)(1)(A)), California opts out of~~
31 ~~Section 115(a)(2) of Public Law 104-193 (21 U.S.C. Sec.~~
32 ~~862a(a)(2)). A convicted drug felon shall be eligible to apply to~~
33 ~~receive CalFresh benefits under this section, provided that the~~
34 ~~person has not been convicted of any crime during the six months~~
35 ~~immediately preceding his or her application.~~

36 ~~SECTION 1. Section 18901.3 of the Welfare and Institutions~~
37 ~~Code is amended to read:~~

38 ~~18901.3. Pursuant to Section 115(d)(1)(A) of Public Law~~
39 ~~104-193 (21 U.S.C. Sec. 862a(d)(1)(A)), California opts out of~~
40 ~~Section 115(a)(2) of Public Law 104-193 (21 U.S.C. Sec.~~

1 ~~862a(a)(2)). A convicted drug felon shall be eligible to receive~~
2 ~~food stamps under this section.~~

3 ~~SEC. 2.~~

4 *SEC. 3.* If the Commission on State Mandates determines that
5 this act contains costs mandated by the state, reimbursement to
6 local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.